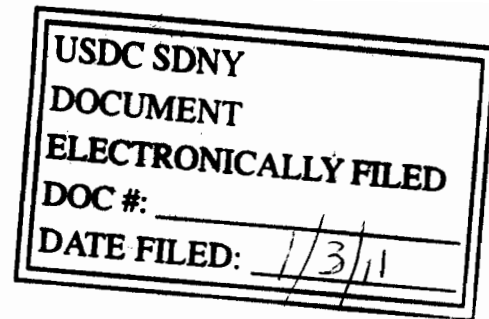


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
CARL E. PERSON,

Plaintiff,

-v.-

NEWYORK CITY COUNCIL et al.,

Defendants.

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ORDER

10 Civ. 6304 (BSJ)(GWG)

GABRIEL W. GORENSTEIN, United States Magistrate Judge.

The docket sheet in this action indicates that the complaint was filed on August 23, 2010 and that no proof of service of the summons and complaint has been filed. Rule 4(m) of the Federal Rules of Civil Procedure provides:

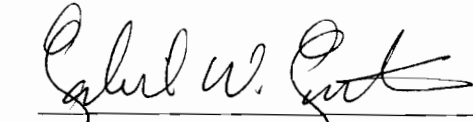
If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

The time to serve the complaint has now expired. In accordance with Rule 4(m), plaintiff is notified that it is the intention of the Court to dismiss this action. In the event that plaintiff wishes to move for an extension of the time for service, the motion for an extension of time must be filed on or before January 18, 2011. Any such motion must show good cause for the extension and must include a complete description under oath of all efforts made to date to effectuate service. In addition, the application to extend the time for service must comply with

the Local Rules of the United States District Court for the Southern District of New York, including Local Rules 6.1 and 7.1. If the defendant's address is known, service of the notice of motion and accompanying papers should be made by mail on the defendant. If no motion is filed by January 18, 2011 in accordance with this Order, this action will be dismissed.

SO ORDERED.

Dated: January 3, 2011
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge